

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) Case No. 3:18-CR-138 JD
)
)
SVEN ERIC MARSHALL,)
)
Defendant.)

JOINT STATUS REPORT

Comes now the United States of America by Thomas L. Kirsch II,
United States Attorney for the Northern District of Indiana, through
Luke N. Reilander, Assistant United States Attorney, to file the following
Joint Status Report on behalf of both parties.

On June 11 2020, the Court held a telephonic status conference with
the parties. At the conference, the Court was advised that once the
courthouse re-opened to the public, the Defendant Mr. Marshall could be
transported to the courthouse in order to complete his inspection of his office
records.

On July 1, 2020, Mr. Marshall was transported to the courthouse and
inspected documents for just over half a day. The July 1 session had been
originally scheduled to last all day but FBI agents were not able to allow the

inspection to continue into the afternoon because of commitments that had come up in other matters for them. Additional time for document review was anticipated. After conferring with his client, defense counsel advised the government on July 6 that Mr. Marshall did indeed need additional time to complete his review. Also on July 6, defense counsel suggested to the government counsel and the agents that, after the next inspection day, that it might be useful if a session was scheduled with Mr. Marshall and the lead FBI agents/analyst “to discuss corrections to the loss/restitution numbers.”

On July 7, Mr. Marshall was transported to the courthouse and spent another approximate half-day inspecting documents. On July 12, defense counsel advised the government that Mr. Marshall needed additional records and documents to accurately assess the losses; these documents and records were specified for the government. Counsel for the government then suggested that a meeting with all parties present to discuss the loss numbers would be most fruitful.

On July 20, the parties conducted a meeting from approximately 9:30 am to 12:30 pm. (Mr. Marshall, AUSA Reilander, and government investigators Allen and Teagarden were physically present at the USAO office for this meeting; Attorney Schmid appeared by videoconference.) Mr. Marshall produced for the government detailed schedules and analysis of the loss and restitution numbers. The defendant allowed the government to

retain copies of these schedules and analyses. Also, during the meeting, the parties were able to come to an agreement on roughly 2/3 of the victims and their loss/restitution calculations, but some issues were not resolved. The parties mutually agreed to conclude that day's meeting, as both parties recognized that additional time was needed for both sides to do further investigation and inquiry into the unresolved issues. The parties agreed that a second meeting held after both parties completed their respective inquiries might allow the parties to reach further consensus working together on the loss/restitution numbers in the case.

The parties have not yet scheduled this second meeting as the government investigators have not completed their additional inquiries regarding some losses to certain victims. It might also be necessary in the interim to obtain some documents from the St. Joseph County Probate Court in order to finalize certain loss/restitution numbers. The parties anticipate scheduling a meeting sometime within the next few weeks to further discuss loss/restitution numbers; the parties at that meeting will continue to work and endeavor to reach a consensus on the remaining unresolved loss/restitution numbers.

This status report was jointly prepared by the government and counsel for the Defendant.

Dated: July 23, 2020

Respectfully submitted,

THOMAS L. KIRSCH II
UNITED STATES ATTORNEY

By: s/ Luke N. Reilander

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